

WILMERHALE

December 10, 2015

Lori A. Martin

+1 212 295 6412 (t)  
+1 212 230 8888 (f)  
lori.martin@wilmerhale.com

VIA ECF

The Honorable Robert W. Sweet  
United States District Court  
for the Southern District of New York  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

RE: *Richards-Donald, et al. v. Teachers Insurance and Annuity Assoc. of America, et al.*  
Civil Action No. 15-cv-08040 (RWS)  
Letter-Motion for Extension of Time to Respond to the Complaint

To the Honorable Robert W. Sweet,

In accordance with Rule 1.E of this Court's Individual Practices, Defendants Teachers Insurance and Annuity Association of America, TIAA Plan Investment Review Committee and Otha Spriggs respectfully submit this letter-motion requesting a 38-day extension of time for Defendants to answer, move, or otherwise respond to Plaintiffs' Complaint, from December 22, 2015 through and including January 29, 2016. Defendants have conferred with counsel for Plaintiffs, who consent to this request.

Defendants' waivers of service were filed on November 12, 2015. Under Fed. R. Civ. P. 12(a), the current deadline to respond to the Complaint is December 22, 2015. Defendants seek 38 days from this current deadline, to January 29, 2016, because counsel was retained on December 3, 2015 and would like to assess the factual allegations and legal claims prior to responding. There have been no previous requests to extend the time to respond to the Complaint. The Court has not scheduled an initial pretrial conference in this matter.

We are, of course, available to discuss this or any other matters.

Respectfully submitted,

/s/ Lori A. Martin

Lori A. Martin  
Wilmer Cutler Pickering Hale and Dorr LLP  
7 World Trade Center  
250 Greenwich Street  
New York, NY 10007

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Tel: (212) 230-8800

Fax: (212) 230-8888

Email: [Lori.Martin@wilmerhale.com](mailto:Lori.Martin@wilmerhale.com)

*Attorneys for Defendants Teachers Insurance  
and Annuity Association of America, TIAA Plan  
Investment Review Committee and Otha Spriggs*

cc: Counsel of Record (via ECF)